



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

July 25, 2013

Mr. Keith Ritthaler  
Owner  
West Wind Winery  
2974 Boies Drive  
Pleasant Hill, CA 94523

Dear Mr. Ritthaler:

**CITATION NO. 02-04-13C-002  
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR  
JUNE 2013  
SYSTEM 4800812 – WEST WIND WINERY**

Enclosed is a citation issued to the West Wind Winery water system.

You public water system will be billed at the Department's hourly rate (currently estimated at (\$126.00) for the time spent on issuing this citation since this is an enforcement action for non-compliance with state regulations. At this time, we have spent approximately two hours on enforcement activities associated with this violation. You will receive a bill from our Fee Billing Unit in Sacramento for this and any additional time spent on enforcement activities for West Wind Winery.

If you have any questions regarding this matter, please contact Pamela Evans at (510) 620-3457 or [Pamela.evans@cdph.ca.gov](mailto:Pamela.evans@cdph.ca.gov).

Sincerely,

Stefan Cajina, P.E., Chief  
North Coastal Region  
Drinking Water Program

Enclosure: Citation No. 02-04-13C-002

cc: Solano County Environmental Health Program

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

**Name of Public Water System:** West Wind Winery

**Water System No:** 4800812

**To:** West Wind Winery

2974 Boies Drive

Pleasant Hill, CA 94523

ATTN: Keith Ritthaler, Owner

**Issued:** July 25, 2013

*CITATION FOR NONCOMPLIANCE WITH SECTION 64426.1, TITLE 22,  
OF THE CALIFORNIA CODE OF REGULATIONS  
MAXIMUM CONTAMINANT LEVEL (MCL) – TOTAL COLIFORM BACTERIA*

Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder. The Division of Drinking Water and Environmental Management of the California Department of Public Health (hereinafter Department) hereby issues this Citation to West Wind Winery, located at 2974 Boies Drive, Pleasant Hill, California, for failure to comply with California Code of Regulations (CCR), Title 22, Section 64426.1.

**APPLICABLE AUTHORITIES**

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.



1 California Code of Regulations (CCR), Section 64426.1 states in relevant part:

2  
3 A public water system is in violation of the total coliform MCL (maximum  
4 contaminant level) when any of the following occurs:

5  
6 (1) For a public water system which collects fewer than 40 samples per  
7 month, more than one sample collected during any month is total  
8 coliform-positive, or

9 (2) Any repeat sample is fecal coliform-positive or E.coli-positive, or

10 (3) Any repeat sample following a fecal coliform-positive routine sample is  
11 total coliform-positive.

## 12 STATEMENT OF FACTS

13  
14 On June 26, 2013, GEO Water Sampling (GEO) collected the required quarterly  
15 water sample for total coliform bacteria from West Wind Winery. The sample  
16 was analyzed and found to be positive for total coliform bacteria. On June 26,  
17 2013, GEO collected four repeat samples; two samples were negative for total  
18 coliform bacteria and two were positive for total coliform bacteria. All samples  
19 were negative for E.coli. On July 1, 2013, four more samples were collected and  
20 analyzed for total coliform bacteria; all samples were negative for total coliform  
21 and E.coli. Based upon the analysis and regulations West Wind Winery failed  
22 the Total Coliform Rule MCL for the month of June 2013.

## 23 DETERMINATIONS

24 The Department has determined that West Wind Winery failed to comply with the  
25 maximum contaminant level (MCL) for total coliform bacteria during the month of  
26 June 2013. This is a violation of Section 64426.1, Title 22, CCR. The  
27 Department hereby issues a citation to the West Wind Winery for failure to  
comply with Section 64426.1, Title 22, CCR.



## DIRECTIVES

West Wind Winery is hereby directed to take the following actions:

1. Comply with Section 64426.1, Title 22, CCR in all future monitoring periods.
2. Notify all persons served by the West Wind Winery of the MCL Violation in conformance with Section 64463.4 and Section 64465, Title 22, CCR.
3. Pursuant to Section 64424(d), Title 22, CCR, West Wind Winery shall collect five routine bacteriological samples by **July 31, 2013**. The results of these samples shall be submitted to the Department with the attached Compliance Certification form, and in no case later than **August 10, 2013**.
4. A representative of West Wind Winery shall complete the attached Compliance Certification form and return it to the Department within 10 days of the public notice being given to the system customers but in no case later than **August 10, 2013**. A copy of the notice posted for customers must be attached to the form.
5. West Wind Winery shall be required to collect one routine bacteriological water sample per month, beginning August 1, 2013.
6. By August 31, 2013, West Wind Winery shall submit to the Department a revised coliform sample siting plan, which reflects the new, monthly sampling frequency. The plan shall be prepared in accordance with the requirements of Section 64422, Title 22, CCR.



1 All documents required by this Citation shall be submitted to the Department at  
2 the following address:

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4 Stefan Cajina, P.E., Chief  
5 North Coastal Region  
6 California Department of Public Health  
7 Drinking Water Program  
8 850 Marina Bay Parkway, Bldg. P., 2<sup>nd</sup> Floor  
9 Richmond, CA 94804

10 The Department reserves the right to make such modifications to this Citation, as  
11 it may deem necessary to public health and safety. Such modifications may be  
12 issued as amendments to this Citation and shall be effective upon issuance.

13  
14 **PARTIES BOUND**


15 This Citation shall apply to and be binding upon the System, its officers,  
16 directors, agents, employees, contractors, successors, and assignees.

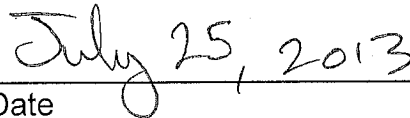
17  
18 **SEVERABILITY**

19 The directives of this Citation are severable, and the System shall comply with  
20 each and every provision thereof notwithstanding the effectiveness of any  
21 provision.  
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**FURTHER ENFORCEMENT ACTION**

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

  
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Stefan Cajina, P.E., Chief  
North Coastal Region  
Drinking Water Program

  
\_\_\_\_\_  
Date

Attachments: Compliance Certification form  
Bacteriological Sample Siting Plan

Certified Mail No: 7007 0710 0000 5917 2231

cc: (W/o Attachments)  
Solano County Environmental Health Department  
Department of Resource Management  
Administrative Services Division  
675 Texas Street  
Fairfield, CA 94533  
ATTN: Terry Schmidtbauer



**COMPLIANCE CERTIFICATION**

Citation Number 02-04-13C-002  
Name of Water System: West Wind Winery  
System Number: 4800812

**Certification**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the maximum contaminant level violations of Title 22, California Code of Regulations (CCR) for the compliance period of June 2013. In addition, I certify that the West Wind Winery Water System complied with the directives of this citation as indicated below:

Required ActionDate Completed

Public notification posted and/or delivered to residents

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5 bacteriological samples collected and analyzed

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Signature of Water System Representative

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Date

Attach a copy of the notice delivered to customers and the laboratory results from the 5 water samples.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN  
August 10, 2013**

Disclosure: Be advised, that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement, on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.